

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.G.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

BRIAN C. WILSON,

Plaintiff,

vs.

TENNESSEE DEPARTMENT OF
TRANSPORTATION, et al.,

Defendant.

X
X
X
X
X
X
X
X
X
X
X

No. 05-2157-Ma/P

ORDER DIRECTING PLAINTIFF TO COMPLY WITH RULES
ORDER TO FILE AMENDED COMPLAINT
AND
ORDER STRIKING IRREGULAR FILING

On May 16, 2005, United States Magistrate Judge Pham directed the plaintiff to file a more definite statement in compliance with Fed. Rule Civ. P. 8(a)(2). After receiving two extensions of time in which to file the more definite statement, plaintiff filed a "response" on July 22, 2005.

Fed. R. Civ. P. 10 requires that documents contain numbered paragraphs. Plaintiff's "response" begins with paragraph five. Plaintiff must file an amended complaint in which the more definite facts of the "response" are contained in the corresponding paragraphs of the original complaint. The paragraphs must be sequentially numbered in a manner which allows the defendant to respond to the allegations of each paragraph. Furthermore, the "response" does not contain a certificate of consultation as

required by Local Rule 7.2(a)(1)(B) or a certificate of service as required by Fed. R. Civ. P. 5(d) and Local Rule 83.7(b).

Plaintiff is proceeding pro se and must familiarize himself with the Federal Rules of Civil Procedure and the Local Rules of this Court so that his pleadings comply with those rules. The Court hereby directs plaintiff to file an amended complaint containing the more definite statement which complies with the Federal and Local rules. The amended complaint shall be filed within ten days of the entry of this order upon the docket. After that date, the defendant shall answer the complaint or file the appropriate motion.

It is further ordered that the plaintiff shall serve a copy of every further document filed in this cause on the attorney for the defendant and shall make a certificate of service on every document filed. Plaintiff is hereby directed that such further documents must contain a certification at the end reading:

I hereby certify that a true and exact copy of the foregoing has been forwarded by first class, postage prepaid mail, to Zachary Griffith, Office of the Attorney General, P.O. Box 20207, Nashville, TN 32707-0207, on this ____ day of ____, 2005.

Brian C. Wilson

Accordingly, it is ORDERED that plaintiff's "response", docket entry # 13, is stricken from the docket in this case because it does not comply with the Federal Rules of Civil Procedure or the Local Rules of this Court. Furthermore, the document was not served on opposing counsel. The Clerk is ORDERED not to accept for filing any further documents submitted by this plaintiff that are

not accompanied by a certificate of service or certificate of consultation as required.

A failure to timely comply with any requirement of this order will result in the dismissal of the complaint. The plaintiff must also keep this Court informed of his current address. If plaintiff fails to inform the Court of a change of address, he will not be excused for failing to comply with the Court's orders and deadlines because an order was delayed or not delivered.

IT IS SO ORDERED this 25th day of August, 2005.

A handwritten signature in black ink, appearing to read 'SHM', is written over a horizontal line.

SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 2:05-CV-02157 was distributed by fax, mail, or direct printing on August 30, 2005 to the parties listed.

Brian C. Wilson
6034 Chandeleur Drive
Millington, TN 38053--812

Zachary S. Griffith
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 20207
Nashville, TN 37202--020

Honorable Samuel Mays
US DISTRICT COURT